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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,087	06/10/2002	Joseph Wayne Freeman	RPS920020025	7103
47052	7590	11/04/2005	EXAMINER	
SAWYER LAW GROUP LLP			CAO, CHUN	
PO BOX 51418			ART UNIT	
PALO ALTO, CA 94303			PAPER NUMBER	
			2115	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,087

Applicant(s)

FREEMAN ET AL.

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

1. Claims 1-6 and 13-30 are presented for examination. Claims 7-12 are canceled.

Claims 26-30 are newly added claims.

2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

3. Claims 1-6, 13-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckardt (Eckardt) U.S. patent no. 6,542,979 in view of Rickey et al. (Rickey) U.S. Publication no. 2002/0166059.

Rickey is prior art reference cited in prior office action.

As per claim 1, Eckardt teaches a method for access control a hardfile in a computer system having an operating system [fig. 3], the method comprising:

detecting a special boot condition during a pre-boot test of the computer system [col. 3, lines 44-46; col. 4, lines 60-63]; and in response to detecting the special boot condition, an operating system access configuration of the hardfile [col. 2, lines 5-10; col. 3, lines 58-62].

Eckardt fails to teach of adjusting a size of a partition of the hardfile in response to detect a special boot condition. In other word, Eckardt fails to teach of setting a SETMAX parameters during a pre-boot test.

Rickey teaches of setting a SETMAX parameters during a pre-boot test [paragraphs 0045, 0065, 0066].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Eckardt and Rickey because they both teach an initializing process in a computer system, and the specify teachings of Rickey stated above would have improved the functionality of the Eckardt's system by allowing the operating system access the hardfile in the partition according to the SETMAX value.

As per claim 2, Rickey teaches of adjusting a size of a partition of the hardfile dynamically sets a maximum accessible size of the hardfile [paragraphs 0045, 0065, 0066].

As per claim 3, Eckardt discloses the hardfile is a hard drive [100, fig. 2; col. 3, lines 31-32]. Rickey also discloses the hardfile is a hard drive [17, fig. 2].

As per claim 4, Eckardt discloses that the operating system is stored on a first part of the hardfile and user data is stored on a second part of the hardfile and sets the hardfile access to exclude the second part of the hardfile from access by the operating system [col. 1, lines 35-50; col. 2, lines 10-15, col. 4, lines 52-60]. Rickey teaches of adjusting a size of a partition of the hardfile [paragraphs 0045, 0065, 0066].

As per claim 5, Eckardt discloses that the operating system is stored on a first part of the hardfile and user data is stored on a second part of the hardfile and sets the hardfile access to exclude the second part of the hardfile from access by the operating system [col. 1, lines 35-50; col. 2, lines 10-15, col. 4, lines 52-60]. Rickey teaches of adjusting a size of a partition of the hardfile sets the hardfile maximum size [paragraphs 0045, 0065, 0066].

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As per claim 6, Eckardt discloses the boot condition is a predetermined key but does not expressly disclose the boot condition is a hardware tamper detect. It would be obvious to a person of ordinary skill in the art to use a hardware tamper detect as the boot condition.

As to claims 13-16 basically are the corresponding elements that are carried out the method of operating steps in claims 1-6. Accordingly, claims 13-16 are rejected for the same reason as set forth in claims 1-6.

As to claims 17-18 are written in mean plus function and contained the same limitations as claims 13-16. Therefore same rejection is applied.

As to claims 19-25, Eckardt and Rickey together teach the claimed method of steps. Therefore, Eckardt and Rickey together teach the claimed computer readable medium to carry out the method of steps.

As per claim 28, Eckardt and Rickey together teach the claimed system of claims 13-16. Therefore, Eckardt and Rickey together teach the claimed method of steps to carry out the system.

4. Claims 26, 27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckardt (Eckardt) U.S. patent no. 6,542,979 in view of Rickey et al. (Rickey) U.S. Publication no. 2002/0166059 and Steven (Steven) U.S. Publication no. 2003/0163610.

As to claims 26 and 29, Rickey teaches of adjusting a size of a partition of the hardfile [paragraphs 0045, 0065, 0066].

Eckardt and Rickey do not explicitly teach of adjusting a size of a Protected Area Run Time Interface Extension Services (PARTIES) partition.

Steven teaches of adjusting a size of a Protected Area Run Time Interface Extension Services (PARTIES) partition [paragraphs 0005, 0006, 0016-0018].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Eckardt and Rickey and Steven because they teach an initializing process in a computer system, and the specify teachings of Steven stated above would have improved the security of the Eckardt's system.

As per claim 27, Steven teaches of using a SETMAX procedure to adjust the size of the PARTIES partition [paragraphs 0005, 0006, 0016-0018].

As per claim 30, inherently, Eckardt discloses the hard drive is a ATAPI-4 compliant hard drive [100, fig. 2; col. 3, lines 31-32]. Rickey also the hard drive is a ATAPI-4 compliant hard drive [17, fig. 2].

5. Applicant's arguments filed on 9/12/05, which have been fully considered but they are not persuasive. Applicant's argument with respect to claims 1-6 and 13-30 has been considered but is moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHUN CAO
PRIMARY EXAMINER

Oct. 31, 2005